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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of

Amendment of Section 73.202(b)
Table of Allotments,
FM Broadcast Station.
(Saranac Lake, New York)

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MM Docket No. 99-83
RM-9500

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

REPLY COMMENTS OF SARANAC LAKE RADIO, L.L.C.

1. Saranac Lake Radio, L.L.C. ("WSLK") hereby submits its Reply Comments in the above-captioned proceeding. Saranac is aware of three commenters: (a) Dana Puopolo, the Petitioner in RM-9500 ("Puopolo"), reiterated his interest in the channel. (b) Westport Broadcasting ("Westport") counterproposed the allotment of Channel 275A at Westport, New York, with Channel 227A or 296A as an alternative at Saranac Lake. (c) WSLK stated that no action should be taken in this proceeding until the *bona fides* of the commitment of the Petitioner to construct and operate has been demonstrated in light of the numerous allotment petitions he is currently pursuing.

2. Nothing in the initial comments detracts from the merits of WSLK's position. No party other than Puopolo has stated an interest in constructing and operating a new station at Saranac

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Lake.¹ Although Puopolo expressed a continued interest, he did not even offer to explain how he will be able to fulfill his commitment.²

3. The Commission cannot allow Puopolo to waste the agency's time and financial resources by proposing allotments that would be impossible for him to construct and operate, especially considering the fact that the competitive bidding process will require more financial resources than ever to obtain a construction permit. In cases where large numbers of commitments are being made, supporting information as to capability must be provided.

4. The Commission must not bury its head in the sand and accept the Petitioner's unsupported multiple commitments to apply for and to construct so many stations. Failure to investigate Puopolo's capabilities would be an abdication of the Commission's statutory duty, under Section 307(b) of the Communications Act, to provide for a fair and equitable distribution of channels throughout the nation.

5. Since Puopolo was the only party who has expressed an interest in the proposed allotment to Saranac Lake, and the *bona fides* of his commitment is in question, the Commission must hold this proceeding in abeyance until the issues raised by WSLK are resolved.

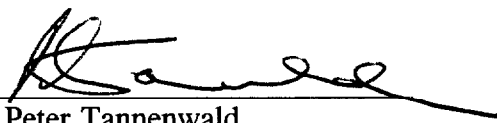
¹ Westport's only interest is in using Channel 275A for its own station at Westport and does not include any expression of interest in Saranac Lake. Thus unless Puopolo's expression of interest is credited after an investigation, there is no party interested in the Saranac Lake allotment. It is well established that the Commission will not allot a channel in the absence of a *bona fide* expression of interest.

² It should be noted that Puopolo has not responded to WSLK's separate Petition for Investigation and Adoption of Policy Statement, directed toward the Puopolo and other mass filers, thereby further suggesting that he is not ready or able to demonstrate his ability to fulfill his numerous commitments.

6. Meanwhile, WSLK has no objection to the Westport's request to allot Channel 275A to Westport, without awaiting a final decision with respect to allotting a channel at Saranac Lake. Westport had a legitimate and immediate need for Channel 275A. WSLK notes, however, both Puopolo's proposal and the two Westport alternatives for Saranac Lake are significantly short-spaced to Canadian allotments, and the Commission must decide to what extent it is in the public interest to make allotments with such short-spacing, even if the Canadian government agrees. It does not appear that it will be possible to operate a station on any of the channels at Saranac Lake with any significant coverage, particularly from the transmitter site specified by Puopolo, which is not at a high elevation.

Respectfully submitted,

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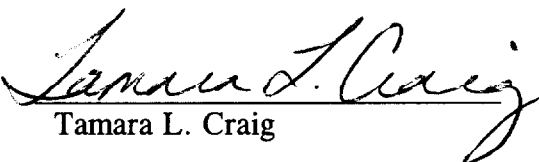
June 1, 1999

CERTIFICATE OF SERVICE

I, Tamara L. Craig, do hereby certify that I have, this 1st day of June, 1999, caused to be sent by first class United States mail, postage prepaid, copies of the foregoing "Reply Comments of Saranac Lake Radio, L.L.C." to the following:

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